

# APPLICATION FOR PERMIT TO APPROPRIATE THE PUBLIC WATERS OF THE STATE OF NEVADA

Date of filing in State Engineer's Office..... AUG 28 1980  
 Returned to applicant for correction..... OCT 21 1980  
 Corrected application filed.....  
 Map filed..... JAN 7 1981

The applicant..... Kavanagh Exploration & Mining Company  
P. O. Box 464....., of Goldfield  
Street and No. or P.O. Box No. City or Town  
Nevada 89013....., hereby make application for permission to appropriate the public  
State and Zip Code No.  
 waters of the State of Nevada, as hereinafter stated. (If applicant is a corporation, give date and place of incorporation; if a copartnership or association, give names of members.) Ferdinand Lemieux, President,  
 who recognizes this application as a second right to application No. 25282  
 Certificate No. 8734

1. The source of the proposed appropriation is Spring source (Excelsior Spring)  
Name of stream, lake or other source.
2. The amount of water applied for is 0.04 C.F.S. second-feet  
One second-foot equals 448.83 gals. per min.  
 (a) If stored in reservoir give number of acre-feet..... acre-feet
3. The water to be used for Mining, Milling and domestic  
Irrigation, power, mining, manufacturing, domestic, or other use. Must limit to one use.
4. If use is for:
  - (a) Irrigation (state number of acres to be irrigated).....
  - (b) Stockwater (state number and kinds of animals to be watered).....
  - (c) Other use (describe fully under "No. 12. Remarks").....
  - (d) Power:
    - (1) Horsepower developed.....
    - (2) Point of return of water to stream.....
5. The water is to be diverted from its source at the following point: SE $\frac{1}{4}$  SW $\frac{1}{4}$  of section 30,  
T.5S., R.40E., M.D.B.&M., or a point from whence the Southwest corner  
Describe as being within a 40-acre subdivision of public survey, and by course and distance to a section corner. If on unsurveyed land,  
of section 25, T.5S., R.39E., M.D.B.&M. bears S. 81°56'43" W.  
it should be stated. 7271.38 feet distant.
6. Place of use..... SE $\frac{1}{4}$  of section 26 and S $\frac{1}{2}$  of section 25, T.5S., R.39E., M.D.B.  
Describe by legal subdivision, if on unsurveyed land it should be so stated.  
&M. upon patented and unpatented claims, as shown on the supportive  
map.
7. Use will begin about January 1st and end about December 31st, of each year.  
Month and Day Month and Day
8. Description of proposed works. (Under the provisions of NRS 535.010 you may be required to submit plans and specifications of your diversion or storage works.) construct a pipeline to carry the  
water a distance of 8000 feet to the place of use within the SE $\frac{1}{4}$  of  
State manner in which water is to be diverted, whether by dam or other works, whether through pipes, ditches, flumes, or other conduits.  
section 26, T.5S., R.39E., M.D.B.&M.

9. Estimated cost of works \$10,000.00
10. Estimated time required to construct works One year
11. Estimated time required to complete the application to beneficial use One year
12. Remarks: For use other than irrigation or stock watering, state number and type of units to be served or annual consumptive use.

1,825,000 gallons per year

Applicant Kavanagh Exploration & Mining Co.

By s/Wallace T. Boundy  
P. O. Box 242  
Tonopah, Nevada 89049

Compared ha/bc br/ja

APPROVAL OF STATE ENGINEER

This is to certify that I have examined the foregoing application, and do hereby grant the same, subject to the following limitations and conditions:

This permit is issued subject to all existing rights on the source. It is understood that the 0.01 c.f.s., herein granted is only a temporary allowance and that the final water right obtained under this permit will be dependent upon the amount of water actually placed to a beneficial use. A suitable measuring device must be installed and accurate measurements of the water placed to a beneficial use must be included in the proof of such use when filed. The State retains the right to regulate the use of the water herein granted at any and all times.

This permit is subject to the condition that the permittee must ensure that wildlife which have customarily used such water will have access thereto, NRS 533.367.

This Permit does not extend the permittee the right of ingress and egress on public, private or corporate lands.

The issuance of this permit does not waive the requirements that the permit holder obtain other permits from State, Federal, and local agencies.

The amount of water to be appropriated shall be limited to the amount which can be applied to beneficial use, and not to exceed 0.01 cubic feet per second, but not to exceed 1.825 million gallons annually.

Actual construction work shall begin on or before N/A

Proof of commencement of work shall be filed before N/A

Work must be prosecuted with reasonable diligence and be completed on or before August 11, 1984

Proof of completion of work shall be filed before September 11, 1984

Application of water to beneficial use shall be made on or before August 11, 1986

Proof of the application of water to beneficial use shall be filed on or before September 11, 1986

Map in support of proof of beneficial use shall be filed on or before

Commencement of work filed  IN TESTIMONY WHEREOF, I PETER G. MORROS  
 Completion of work filed OCT 03 1984 State Engineer of Nevada, have hereunto set my hand and the seal of  
 Proof of beneficial use filed  my office, this 11th day of AUGUST  
 Cultural map filed

A.D. 19 83

Peter G. Morros  
 State Engineer

Certificate NOV 27 1989 Issued BECAUSE OF FAILURE

OF APPLICANT TO COMPLY WITH THE PROVISIONS OF PERMIT